

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

WYNDHAM VACATION
RESORTS, INC.,

Plaintiff,

v.

WESLEY FINANCIAL GROUP, LLC
CHARLES MCDOWELL, III,
and
JOHN and JANE DOES 1-10,

Defendants.

Case No. 3:12-cv-559

Judge Haynes

JURY DEMAND

DEFENDANTS' MOTION TO STAY DISCOVERY

Come now the Defendants, Wesley Financial Group, LLC ("Wesley") and Charles McDowell, III ("Mr. McDowell") and request this court stay all discovery in this matter until the pending Motion for Summary Judgment has been decided. In support of this Motion, Defendants state that the pending Motion for Summary Judgment, if granted, would be dispositive of the case and no discovery is needed for Plaintiff to support its Response, since the Motion is based strictly on legal theory. As this Court will recall, Plaintiff Wyndham Vacation Resorts, Inc. ("Wyndham") brought an earlier suit against Defendant McDowell and his previous employer, Timeshare Advocacy International, LLC, in this very court. Wyndham took that case all the way through a three-day jury trial and the jury returned a complete defense verdict in less than twenty minutes. Wyndham even moved for this very matter to be heard in this Court (after initially being assigned to Judge Nixon) based on the similarity of the matters. Now Wyndham seeks

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This motion is
DENIED as the Plaintiff
is entitled to a reasonable
period of discovery
before considering
if a
motion
for
summary
judgment
is appropriate
12/10/12
R-1072*